

AMENDED IN ASSEMBLY APRIL 16, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1316**

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**Introduced by Assembly Member Harkey**

February 22, 2013

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An act to amend Section 13118 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL’S DIGEST

AB 1316, as amended, Harkey. Election ballots: identical candidate names.

Existing law sets forth the procedures, requirements, and specifications relating to ballots used in all elections. Existing law authorizes a person who is a candidate for any office to file a statement with the county elections official attesting to his or her belief that some other person with a similar name that may be confused with his or her name has filed or will file a nomination paper for the same office and requesting that a number be printed with his or her name on the ballot as a distinguishing mark. Existing law sets forth the type and placement requirements with respect to the distinguishing mark. Existing law requires the elections official to place a warning that there are candidates for the same office with identical names on the ballot, any sample ballot, ballot pamphlet, or other mailing sent by the official.

This bill would modify the text of the statement contained within the candidate’s request for a distinguishing mark next to his or her name on the ballot. The bill would introduce revised numerical specifications and procedures for the assignment of the distinguishing mark. The bill would also require the elections official to conduct a drawing of the numbers assigned to the candidates in a similar manner as provided for

by existing law to determine the order on the ballot for candidates with similar names. By imposing a new requirement on local officials, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13118 of the Elections Code is amended  
2 to read:

3 13118. The following rules apply when a person who is a  
4 candidate for any office believes that another person with a name  
5 that is so similar that it may be confused with his or her name has  
6 filed or will file a nomination paper for the same office:

7 (a) The candidate may, at the time of filing his or her nomination  
8 paper, or within five days after the time for filing nomination  
9 papers has expired, file with the elections official a statement that  
10 shall be in substance as follows:

11 “I \_\_\_\_\_, believe that another person, whose name is so similar  
12 to mine that it may be confused with mine, has filed or will file a  
13 nomination paper for the same office for which I have filed a  
14 nomination paper, and I therefore request and direct that the  
15 elections official assign a number to each candidate with a similar  
16 name to be printed on the ballot as a distinguishing mark.

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— - \_\_\_\_\_ -  
Name—  
Candidate  
for the  
office  
of \_\_\_\_\_”

\_\_\_\_\_  
Name  
Candidate for the office  
of \_\_\_\_\_ ”

(b) The distinguishing mark shall be a number, commencing with the number “1” and continuing in numerical sequence until each candidate with a similar name has been assigned a distinguishing number, and shall be printed at the ~~left~~ right of the name on the ballot.

(c) The first candidate who filed his or her nomination papers shall have the number “1” and each subsequent candidate, based on the time of filing his or her nomination papers, shall be assigned the next number in numerical sequence.

(d) In addition to the designated numbers that the elections official shall place on the ballot when the above conditions are met, he or she shall place on the ballot, immediately preceding the names of the candidates to be voted upon, the following warning:

“Warning! There are two (or applicable number) candidates for this office with identical names.”

This warning shall also be included, in a prominent manner, on any sample ballot, ballot pamphlet, or other mailing sent by the elections official, prior to the election, to persons eligible to vote for this office.

(e) To determine the order on the ballot for the candidates with similar names, the elections official shall conduct a drawing of the numbers assigned to the candidates in a similar manner as provided for in Section 13112.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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